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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,964	12/30/2003	Timothy J. Wilson	CE088931 (79058)	9004
22917	7590	12/21/2005	EXAMINER	
MOTOROLA, INC.			CHO, UN C	
1303 EAST ALGONQUIN ROAD			ART UNIT	
IL01/3RD			PAPER NUMBER	
SCHAUMBURG, IL 60196			2687	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/747,964	Applicant(s) WILSON ET AL.	
	Examiner Un C. Cho	Art Unit 2687	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/8/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 4/8/2005 has been entered and considered by the examiner.

Reference No US-6,422,396 appears to have a typographical error US-6,442,396 has been considered instead.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dailey (US 6,564,049 B1).

Regarding claim 1, Dailey discloses a method for facilitating communications amongst a plurality of mobile units in a network, comprising:  
establishing a plurality of underlay communication cells (mobile terminals establish communication with its respective base stations, Fig. 6, 137a, a' b, b' and Fig. 6, 132); positioning at least two of the plurality of mobile units in at least one of the underlay communication cells, the units being capable of

communications via the underlay communication cells (Fig. 6, 132a, 137a and 137b'); establishing an overlay communication cell, the overlay communication cell covering the same area as at least the underlay cells that comprise the at least two of the plurality of mobile units (MSC establishing communication covering cells which at least one of the cells comprise the at least two mobile terminals); establishing an association between underlay cells that comprise the at least two mobile units and the overlay communication cell; and establishing a group communication call between the at least two mobile units using the overlay cell (in order to establish a group call the mobile terminal communicates the request via its respective base station to the MSC to process the group call) (Dailey, Col. 7, line 45 through Col. 9, line 5).

Regarding claim 2, Dailey discloses that the plurality of mobile units listening for a page (Dailey, Col. 9, lines 6 – 19).

Regarding claims 9, 15 and 20, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Regarding claims 10, 16 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 3, Dailey discloses that the at least two mobile units determining whether to return the page to the overlay cell and when to return the page to the underlay cell (mobile terminal, Fig. 8, 137b responding to a page, Dailey, Col. 9, lines 20 – 37).

Regarding claims 11 and 17, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 4, Dailey discloses that the at least two mobile units returning the page only to the overlay cell (Dailey, Col. 9, lines 20 – 37).

Regarding claim 5, Dailey discloses that the at least two mobile units returning the page only to the underlay cell (mobile terminal returns the page to its base station, Fig. 8, Dailey, Col. 9, lines 20 – 37).

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 6, Dailey discloses that the at least two mobile units not returning the page (Dailey, Col. 8, line 50 through Col. 9, line 5).

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 7, Dailey discloses activating an overlay in the absence of receiving a page (Dailey, Col. 8, line 50 through Col. 9, line 5).

Regarding claim 8, Dailey discloses storing information at underlay cells identifying a control channel at the overlay cell (Dailey, Col. 8, lines 34 – 64).

Regarding claims 14 and 19, the claims are interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 4.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heiskari et al. (US 5,930,723) discloses establishing an expanded group call in a mobile communication system.

Amirijoo et al. (US 6,405,050 B1) discloses system, method and apparatus for distinguishing between different group calls.

Schmidt et al. (US 6,442,396, B1) discloses method of processing group calls within a wireless communications network.

Raith (US 6,725,052 B1) discloses cell assignment method during group calls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho  
Examiner  
Art Unit 2687

12/8/05 *UC*

*Eliseo Ramos-Feliciano*  
12/16/05  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**